

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

UNITED STATES OF AMERICA)
)
) No. 19 CR 277
v.)
)
CONCEPCION MALINEK)

FINAL ORDER OF FORFEITURE

The United States asks this Court to issue a final order of forfeiture pursuant to Title 18, United States Code, Sections 1594(d)(1) and (d)(2), and Fed. R. Crim. P. 32.2:

(a) On October 2, 2019, a superseding indictment was returned charging CONCEPCION MALINEK, in Counts One through Ten with knowingly providing and obtaining the labor and services of a person, by means of: (i) serious harm and threats of serious harm to that person or another person; (ii) abuse and threatened abuse of the law and legal process; and (iii) a scheme, plan, and pattern intended to cause the person to believe that, if that person did not perform such labor and services, that person or another person would suffer serious harm, in violation of 18 U.S.C. §§ 1589(a)(2), (a)(3) and (a)(4). The superseding indictment sought forfeiture to the United States of certain property pursuant to the provisions of 18 U.S.C. §§ 1594(d)(1) and (d)(2). On July 15, 2020, a bill of particulars was filed seeking forfeiture of certain property pursuant to the provisions of 18 U.S.C. §§ 1594(d)(1) and (d)(2).

(b) The superseding indictment and bill of particulars sought forfeiture to the United States of specific property, namely:

1. funds in the amount of \$3,549 in United States currency; and
2. the property located at 3110 South 53rd Court, Cicero, Illinois, 60804 (“the Cicero property”), and legally described as:

THE SOUTH 2/3 OF LOT 5 AND THE NORTH 2/3 OF LOT 6 IN BLOCK 4 IN OSBORNE'S ADDITION TO HAWTHORNE, BEING A SUBDIVISION OF LOTS 1 AND 2 IN BLADWIN'S SUBDIVISION OF THE NORTHWEST ¼ OF SECTION 33, TOWNSHIP 39 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

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pursuant to the provisions of 18 U.S.C. §§ 1594(d)(1) and (d)(2).

(c) On July 31, 2020, pursuant to Fed. R. Crim. P. 11, defendant CONCEPCION MALINEK entered a voluntary plea of guilty to Count Ten of the superseding indictment, thereby making the property named in the superseding indictment and bill of particulars subject to forfeiture pursuant to 18 U.S.C. §§ 1594(d)(1) and (d)(2), which states in part:

(d) The court, in imposing sentence on any person convicted of a violation of this chapter, shall order, in addition to any other sentence imposed and irrespective of any provision of State law, that such person shall forfeit to the United States –

(1) such person's interest in any property, real or personal, that was involved in, used, or intended to be used to commit or to facilitate the commission of such violation, and any property traceable to such property; and

(2) any property, real or personal, constituting or derived from, any proceeds that such person obtained, directly or indirectly, as a result of such violation, or any property traceable to such property.

(d) Because of the defendant's conviction of the above violation, the foregoing property is subject to forfeiture pursuant to the provisions of 18 U.S.C. §§ 1594(d)(1) and (d)(2).

(e) On April 22, 2021, this Court entered a preliminary order of forfeiture forfeiting all right, title, and interest of defendant CONCEPCION MALINEK in the property listed below for disposition according to law:

1. funds in the amount of \$3,549 in United States currency; and

2. the property located at 3110 South 53rd Court, Cicero, Illinois, 60804 (“the Cicero property”), and legally described as:

THE SOUTH 2/3 OF LOT 5 AND THE NORTH 2/3 OF LOT 6 IN BLOCK 4 IN OSBORNE’S ADDITION TO HAWTHORNE, BEING A SUBDIVISION OF LOTS 1 AND 2 IN BLADWIN’S SUBDIVISION OF THE NORTHWEST ¼ OF SECTION 33, TOWNSHIP 39 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

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Further, the United States Marshals Service was directed to seize and take custody of the property.

Additionally, the United States was ordered to publish notice of its intention to forfeit the property according to law.

(f) Pursuant to the provisions of 21 U.S.C. § 853(n)(1), as incorporated by 28 U.S.C. § 2461(c), beginning on May 1, 2021 and continuing for at least 30 consecutive days, notice of the criminal forfeiture was posted on an official government internet site.

(g) The preliminary order of forfeiture was served pursuant to the district court’s ECF system as to ECF filers. Notice was also duly served upon the Cook County Treasurer’s Office and Jeffrey A. Malinek. Pursuant to the provisions of 21 U.S.C. § 853(n)(1), as incorporated by 28 U.S.C. § 2461(c), no other parties are known to have an interest in the property and accordingly, no other parties were personally served with a copy of the notice of forfeiture and preliminary order of forfeiture.

(h) To date, no petition has been filed requesting a hearing to adjudicate any interest in funds in the amount of \$3,549, or to the Cicero property, and the time in which to do so has expired.

Accordingly, it is hereby ORDERED, ADJUDGED, and DECREED:

1. Pursuant to the provisions of 18 U.S.C. §§ 1594(d)(1) and (d)(2) and Fed. R. Crim. P. 32.2, all right, title and interest defendant CONCEPCION MALINEK, Jeffrey A. Malinek and any additional third parties, may have in the following property is forfeit to the United States for disposition according to law:

- (a) funds in the amount of \$3,549 in United States currency; and
- (b) the property located at 3110 South 53rd Court, Cicero, Illinois, 60804 (“the Cicero property”), and legally described as:

THE SOUTH 2/3 OF LOT 5 AND THE NORTH 2/3 OF LOT 6 IN BLOCK 4 IN OSBORNE’S ADDITION TO HAWTHORNE, BEING A SUBDIVISION OF LOTS 1 AND 2 IN BLADWIN’S SUBDIVISION OF THE NORTHWEST ¼ OF SECTION 33, TOWNSHIP 39 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

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Pursuant to 21 U.S.C. § 853(n)(7), as incorporated by 28 U.S.C. § 2461(c), the United States has clear title to the foregoing property and shall dispose of the property according to law.

2. Pursuant to the provisions of 18 U.S.C. §§ 1594(d)(1) and (d)(2), following entry of this order, the United States shall have clear title to the Cicero property.

3. That, upon the sale of the Cicero property, the proceeds shall be disposed of as follows:

- (a) any outstanding state, county, city, or school taxes and any unpaid real estate taxes due and owing, as documented at the date of closing on the property;
- (b) the United States Marshals Service shall be permitted to deduct any reasonable and necessary costs incurred to effectuate the sale of the property and maintain the property pending its sale; and

(c) the net proceeds from the sale of the property shall be issued to the United States Marshals Service.

4. That, pursuant to 21 U.S.C. § 853(i)(1), as incorporated by 28 U.S.C. § 2461(c), the Attorney General is authorized to:

grant petitions for mitigation or remission of forfeiture, *restore forfeited property to victims of a violation of this subchapter*, or take any other action to protect the rights of innocent persons which is in the interest of justice and which is not inconsistent with the provisions of this section.

Accordingly, upon entry of the final order of forfeiture, matters relating to restitution will be submitted to the Attorney General for consideration.

5. This Court shall retain jurisdiction in this matter to take additional action and enter further orders as necessary to implement and enforce this order.



EDMOND E. CHANG
United States District Court

DATED: July 16, 2021